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19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

21 TAMALPAIS UNION HIGH SCHOOL  
22 DISTRICT, a local educational agency,

23 Plaintiff and Counter-  
24 Defendant,

25 vs.

26 D.W., a minor,

27 Defendant and Counter-  
28 Complainant.

Case No.: 3:16-CV-04350-HSG

29 **STIPULATION AND ~~PROPOSED~~ ORDER  
30 TO CONTINUE HEARING DATE AND  
31 BRIEFING SCHEDULE**

32 Pursuant to Local Rule 7-11, the Parties hereby stipulate and request as follows:

33 WHEREAS, briefing and hearing for the Parties' currently set cross-motions for summary  
34 judgment was set by this Court, pursuant to the Parties' stipulation, on November 18, 2016;

35 WHEREAS, David Mishook, primary counsel for Plaintiff, is lead counsel in a matter

1 before the California Court of Appeal, Fourth District, Third Division, Case No. G052409;

2 WHEREAS on January 12, 2017, the Court of Appeal issued a Calendar Notice setting  
3 oral argument in Case No. G052409 for February 23, 2017 at 1:30 p.m. in Santa Ana, CA; and

4 WHEREAS the hearing on the Parties' cross-motions for summary judgment now directly  
5 conflicts with plaintiff counsel's scheduled oral argument;

6 THE PARTIES HEREBY STIPULATE AND REQUEST that the hearing date for the  
7 Parties' cross-motions for summary judgment be continued to March 30, 2017, at 2:00 p.m., that  
8 the deadline for filing opening cross-motions be set for February 6, 2017, and that the deadline for  
9 filing oppositions be set for February 23, 2017. As previously agreed, neither party shall be  
10 allowed the opportunity to file a reply.

11 DATED: January 13, 2017

FAGEN FRIEDMAN & FULFROST, LLP

13 By: /s/ David R. Mishook

14 David R. Mishook  
15 Attorneys for Defendant Tamalpais Union High  
16 School District

17 DATED: January 13, 2017

LAW OFFICES OF SUSAN FOLEY

19 By: /s/ Susan Foley

20 Susan Foley  
21 Attorneys for Plaintiffs

22 IT IS SO ORDERED:

23 DATED: January 17, 2017

25   
26 Hon. Haywood S. Gilliam, Jr.  
27 United States District Judge

28 00250-00177/3424057.1